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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,529	01/29/2004	Brian Bernard McKeon		5527

7590 05/29/2008  
BRIAN BERNARD MCKEON  
10 MERRILEE CRESI  
FRENCHS FOREST  
SYDNEY, NSW, 2086  
AUSTRALIA

EXAMINER
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TABOR, AMARE F

ART UNIT	PAPER NUMBER
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2139

MAIL DATE	DELIVERY MODE
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05/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/767,529

**Applicant(s)**

MCKEON, BRIAN BERNARD

**Examiner**

AMARE TABOR

**Art Unit**

2139

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### DETAILED ACTION

1. This correspondence is in response to **Amendments** filed on April 04, 2008.
2. Claims 1, 4 and 7 are amended. Claims 2 and 5 are cancelled; and Claims 3, 6 and 8 are original.
3. Claims 1, 3, 4 and 6-8 are pending.

### *Response to Arguments*

4. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 3, 4 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by "Aull" (US 7,047,409 B1)**

As per Claim 1, Aull teaches,

A computer system for a computer device providing cryptographic tickets to be transmitted to one or more trusted modules [see **CERTIFICATE AUTHORITY 110 & TOKEN 130** in FIGS. 1-3], allowing intended modules to issue a set number of public-key certificates [see for example, col., lines -, "... *an automated registration arrangement... can be accessed only via the associated pedigree certificate, ... if a user accesses one of the special Registration Web pages, the user must be employing the special*

*hardware of the corresponding category since only that category of hardware possesses the requisite pedigree certificate and associated private key. Thus, the user can be issued a digital certificate having a level of trust commensurate with the pedigree certificate of the special hardware of the user"*

As per Claim 3, Aull teaches,

A computer system based on the method of claim 1 where the trusted module is a hardware token such as a USB token or a smartcard [see for example, col.3, lines 31-36, "*In accordance with the present invention, specific categories of hardware, such as **smart cards or USB (Universal Serial Bus) tokens**, are pre-loaded with a pedigree certificate and associated private key designating the hardware type, one pedigree certificate being designed for each category of hardware"*].

Claims 6 and 8 are rejected for the same reasons applied to the rejection of Claims 1 and 3.

As per Claim 4, Aull teaches,

A computer system based on claim 1, where the cryptographic ticket is a public-key or private-key certificate [see FIG.2; and for example, col.6, lines 4-23, "*In step 1 of FIG. 2, ... In step 2, ...In step 3, a **public/private key pair is generated** by either the local registration authority 250 software or the registration authority 112 software, depending on the products chosen and depending on how they've been configured. The public key is sent to the certificate authority 110 to be signed, thereby generating a "certificate". In step 4...*"

As per Claim 7, Aull teaches,

A computer system based on claim 1, where the set number of certificates that can be issued is determined by information within the provided cryptographic ticket [see for example, abstract, "*A method of automatically tracking a certificate pedigree is provided, in which a new user is provided with a piece of hardware containing a **predetermined pedigree certificate stored therein**, the predetermined pedigree certificate having a level of trust bearing a relationship to a category of hardware of which the provided piece of hardware is a member. An automated registration arrangement ...*"]

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMARE TABOR whose telephone number is (571)270-3155. The examiner can normally be reached on Mon-Fri 8:00a.m. to 5:00p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amare Tabor  
(AU 2139)

/Kristine Kincaid/  
Supervisory Patent Examiner, Art Unit 2139